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ABSTRACT

The five papers in this collection focus on computerized legal databases and their content: (1) "Disk and Dat: Recent Developments in Legal Databases and Emerging Information Technologies in the United States" (Howard Hood, United States); (2) "Online Databanken zum EG-Recht und ihr Angebot (Online Databases for European Community Law and Their Content)" (Harald Muller, West Germany, in German only); (3) "Major Developments in Computer-Assisted Legal Research in Canada" (Martin Felsky, Canada); (4) "Computerized Legal Data Bases and Their Contents--Israel" (E. I. Cuomo, Israel); and (5) "Computerised Legal Databases and Their Content: United Kingdom and Ireland" (Diane Raper, United Kingdom). (CGD)

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'COMPUTERIZED LEGAL DATABASES AND THEIR CONTENT'

Disk and dat: recent developments in legal databases and emerging information technologies in the United States *(54-IALL-1-E)*

Howard A Hood
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Online Databanken zum EG-Recht und ihr Angebot *(64-IALL-2-G)*

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Major developments in computer-assisted legal research in Canada 1986-87 *(113-IALL-3-E)*

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DISK AND DAT : RECENT DEVELOPMENTS IN LEGAL DATABASES AND EMERGING INFORMATION TECHNOLOGIES IN THE UNITED STATES

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I. Introduction

This is the third installment in a series of studies which began in 1983.[1] The earlier essays surveyed computer-assisted legal research in Europe, the Commonwealth, and North America. The present study will concentrate on developments in the United States.

The underlying force in the emergence of computerized legal research is the digital technology of information storage, retrieval, and transmission. This technology first flowered in the United States but is now being rapidly advanced by Japanese companies. The breathtaking progress made in digital technology has made possible increasing miniaturization of information combined with accelerating speed of manipulation and retrieval, as well as falling costs. A five dollar hand-held calculator the size of a credit card can perform the functions which not too many years ago required a roomful of equipment costing millions of dollars. Digital media can store sound, pictures and data in various combinations.[2] Technological advances and new applications move from the laboratory to the retail store in a matter of months.

The rapidity with which this technology has been applied to legal information has depended on social/political conditions in each nation. The crucial factors seem to be the private or government demand for computer- assisted legal research (CALR) and the freedom of commercial firms to supply that demand. Private demand is a function of the size of the bar, the nature of law practice, the wealth of clients, the extent and complexity of the corpus of legal authority, the willingness of lawyers to use new research methods, and other factors. Government demand for computerized legal research services for practitioners, depends on the interests of the politicians who control funds available for this purpose.

Private demand for CALR in Europe has thus far not been adequate to support CALR firms. A recent study suggests that few European attorneys rely on CALR, that "the working methods of lawyers have hardly changed as a result of the introduction of legal databases," and that as of 1985 no database vendors were making a profit in Europe.[3] In 1985, EUROLEX, said with Kluwer's to be "the only genuinely private enterprise legal database in Europe," gave up dreams of profitability and was absorbed by Butterworth & Co., Mead Data Central's British partner.[4] The former director of EUROLEX has pointed out that most European databases are either government enterprises or heavily subsidzed with tax funds. "Although the siting of database operations varies... from a university research institute to a government computer services bureau, the principle of direct government role in ensuring access to the law remains the same."[5]

Why has private demand in Europe for CALR been only marginal at best? Many elements are doubtless involved. The market for legal information is national: the smaller the population of a nation, the smaller the market for CALR. In smaller nations the body of legal literature is limited and therefore more easily searched by traditional methods. CALR is relatively expensive; in poorer nations there would not be so many clients who could afford to pay for database searches. The attitudes of attorneys in some nations may be conservative and resistant to change from traditional research habits. In summary, one can surmise that up to now European lawyers have either not had a need to use databases, have not been able to afford to do so, or have been indisposed to do so. Potential vendors, aware of these facts, would not even attempt to provide such a service because of lack of economic incentive. Need, ability to pay, and willingness to use must all be present before private firms would make an investment in supplying such a service. A survey completed in 1985 concluded that "legal databases currently play an important role for only a few legal professionals, while many have little need for the sort of information which a legal database would provide." The author of this statement also found that some of the databases were so difficult to use that lawyers were reluctant to access them.[6]

II. LEXIS and WESTLAW

The situation in the United States is totally different, both in underlying conditions and in consequences. The population is large and comparatively affluent. Because of federalism, the expanding scope of government regulation, and two hundred years under the same constitution, the body of cases, statutes, and regulations is vast and complex. Although the legal profession is conservative, Americans are generally receptive to, even enthusiastic about, technological innovation. The triple requirements of need, ability to pay, and willingness to use, are therefore present in the United States to an unparalled degree. Although the national government has developed its own CALR systems (JURIS, FLITE, etc.), it has not placed any barriers to commercial exploitation of the legal databases market, as is true, for example, in Canada and Australia.

In the United States the two legal database behemoths, LEXIS[7], a service of Mead Data Central, Inc., and WESTLAW, a product of West Publishing Co., continue to battle it out.[8] Their duel to the death is being fought by rapidly expanding the quantity of information available through their services, by price competition, by vigorous advertising campaigns, by imitating each others' best features, and by a lawsuit now moving towards trial on the merits. West Publishing Company several years ago decided to make an all-out commitment to its WESTLAW service and this decision has been reflected in an unstinting allocation of resources to promote its product. Mead Data Central, in return, has not flinched in the face of its adversary, and has traded blow for blow. The beneficiary is the American legal researcher, who continues to have a choice of services, growing databases, enhanced searching methods, and confidence that prices are reasonable and set by the market.

The core of both full-text services is state and federal cases. WESTLAW and LEXIS began with the most recent cases but for some time have been growing comprehensiveness by adding older cases. Both services now have all U.S. Supreme Court cases and all published U.S. district court cases online. (Both services have numerous unpublished decisions in their files.) West and Mead are gradually adding older state opinions. To this core the services have added federal statutes and regulations, selected federal administrative decisions, and related materials. State administrative publications made their first appearance in the form of state tax court cases. WESTLAW has begun adding decisions of state securities agencies. California Securities Administrative Decisions was the first to go online. LEXIS also has a new state securities library. Both systems have state attorney general opinions for a growing list of states. These go back to 1977.

After case law was augmented with federal statutory and regulatory information, WESTLAW and LEXIS began concentrating on secondary materials such as looseleaf services, law review articles, newletters, and daily awareness services. This material was added by making contracts with a number of legal publishers. Law reviews online start with the 1982 volume for each title. LEXIS has added all articles from over thirty journals beginning with their 1982 volume. WESTLAW has selected articles from many more journals for the same period. Although WESTLAW has articles from more *journals* than does LEXIS, LEXIS appears to have a greater number of *articles*. Because of the selectivity of the WESTLAW database, one cannot be sure whether a particular article will be available through that service. (West has recently decided to match Mead in loading all articles from the top legal journals.) Mead appears to have scored a major coup by putting *American Law Reports*, issued by Lawyer's Cooperative Publishing Company, online. This gives LEXIS a large and rich body of secondary material providing indepth summaries of legal authority on relatively narrow legal issues. The addition of these sets helps LEXIS overcome the disadvantages of relying solely on full-text searching of primary materials. Citations of these annotations are automatically retrieved as a by-product of searches of other libraries. A major theme of West's advertising has been the extra flexibility in searching made possible by having its editor-prepared synopses and headnotes online with the text of the opinion itself.

Mead and West have followed different approaches in organizing their databases. LEXIS material is divided into large groups called libraries, Each library contains one or more files. The list of all the LEXIS libraries fit on two screens. Most libraries have files which can be listed on one screen. The list of the files of the largest LEXIS libraries, such as Genfed and Fedtax, fit on three screens. West, on the other hand, does not use the library/file structure. Each of its databases stands alone and is not a part of a larger body of material. West, moreover, subdivides its data much more finely than does Mead. Each federal circuit, for example, has its own database. Thus, WESTLAW includes many more separate databases than does LEXIS although the total quantity of the data is similar. WESTLAW also includes much more detail about each database online. There

are separate descriptions of each database that lists the fields, the scope of the material, and other information. The result of West's decisions in this regard is to greatly increase the length of its directory of databases, which now exceeds 1500 screens and is still growing. In compensation for the bulkiness of its database directory, West provides much more information and much more specificity in data selection than does LEXIS with its two screens of libraries and related file screens.

Both West and Mead continue to offer their systems on custom terminals. Early in the 1980's, however, West led the way in permitting WESTLAW research to be done on standard personal computers. Mead resisted this trend and for some time required that LEXIS research be done only on its custom terminals. Under the pressure of competition, however, Mead finally gave in. Today both systems can be accessed using a variety or personal computers and modems. The companies have developed their own communications software, tailored to the specific equipment being used. The latest versions of this software permit downloading of a case onto a floppy or hard disk in one step, rather than page by page. From one work station, therefore, a researcher with a personal computer, a modem, and appropriate software, can access LEXIS, NEXIS, WESTLAW, DIALOG, bibliographic databases such as OCLC and RLIN, the online holdings catalog of the local law school or university library, and numerous other databases. West and Mead have encouraged the use of personal computers in law schools by providing additional passwords which can be used at no extra cost evenings and weekends. The companies have also partially lifted their bans on law school access to the services in the afternoons during the workweek. (Both services were previously unavailable in law schools for several hours in the afternoon, Monday through to Friday.)

III. Planned Enhancements in LEXIS and WESTLAW

A new phase of expansion commenced in 1986 when both Mead and West announced that they would be adding numerous state codes to their databases.[9] Statutory material poses special problems both in loading and in retrieving. Unlike a case, which once loaded, remains unchanged forever, a code is constantly being amended and therefore must be continually updated. Cases are published in very standarized forms and with very similar citations from state to state. State codes, on the other hand, vary considerably in format and citation. Mead very early had a few state codes on LEXIS but had problems updating such materials. Mead has now committed itself to putting all 50 state codes online. These will be added gradually, one state at a time over a period of months or even years. West, which did not have any state codes in its database, anticipates making over 40 codes available over about a year. West expects eventually to have complete coverage of state codes. Both companies will load the 20-odd codes published by the Michie firm. West will also load the codes it publishes. West plans to update codes with increasing frequency as this program progresses and becomes consolidated. It should be stressed that the loading of state statutes is a major undertaking and marks a new phase in full-text legal databases.

Mead has other plans. It expects sometime in the future to load the voluminous and hard-to-search Congressional Record, a transcript of the discussions and actions in the United States Senate and House of Representatives. It has begun loading a series of specialized state law libraries in fields such as health care, employment, real estate, commericial law, banking, trusts and estates, and securities.

In June of 1985, Mead announced plans to add "star pagination" to the cases in its databases. This involves inserting numbers into the screens of opinions to show where the material is printed in the pages of West's National Reporter System. Star pagination would permit researchers to view cases on LEXIS but cite them to the printed sources without examining those sources. West believed star pagination would violate its copyrights and sued to stop Mead. West was able to secure preliminary injunction in the U.S. District Court and this injunction was upheld by the 8th Circuit.[10] At this writing the parties are taking depositions and moving towards trial on the merits.

West doubtless sees this case as crucial to the economic future of its enterprise. Using LEXIS with star pagination, researchers would be able to bypass West's publications entirely. Star pagination would mark a big step towards the comprehensive, self-contained electronic law library. The next logical step would be to permit lawyers to cite the electronic system itself without reference to the printed books. Mead plans to make this possible by paginating its electronic texts (presently unnumbered) and creating its own citation system in dependent of printed texts, either West's or anyone else's.

West's argument, thus far successful, is that the pagination of the cases in its reporters is part of a comprehensive system of selection, editing, arrangement, and publication, which it created and to which it has exclusive rights. Mead claims, on the other hand, that numbers cannot be copyrighted, and that even if the page indications are copyrighted, "fair use" permits their reproduction in LEXIS. West does not claim an exclusive right to the citations of their published cases. LEXIS has, therefore, always included reference to the West volume and first page for cases included in the database. The dispute is about Mead's right to indicate West page references after the first one for each case. West has its own plans to provide star pagination once its dispute with Mead is resolved.

In late 1986/early 1987 there was another development in the struggle between the legal database giants. Both systems began allowing access to their systems on personal computers at 2400 baud. At 2400 baud, 240 characters per second are transmitted across the telephone lines between the mainframe and the remote user. This is exactly twice as fast as the speed of transmission possible using the standard terminals of the two services. (Since transmission of data is only part of the research process, this does not mean that searches are twice as fast at 2400 baud.) Mead has now introduced a new terminal, the Super-Ubiq, whose external modem can operate at 2400 baud. West, in turn, is marketing WALT II, a custom terminal, which has an internal 2400 baud modem. At this easily foresse that 2400 baud will replace 1200 as the standard speed for computerized research.

IV. Impact of LEXIS and WESTLAW

The impact in the United States of LEXIS, WESTLAW, and other law related databases, on legal education as well as on legal practice, has been great. Large and medium-sized law firms, state and federal courts and agencies usually have subscriptions. In the larger firms there may be numerous terminals or personal computers at which computerized research may be carried out. By having bar associations or law schools act as sponsors, Mead and West are attempting to reduce access costs for small firms or infrequent users and thereby penetrate the low-end of the market.

It is safe to say that virtually all accredited United States law schools subscribe to LEXIS or WESTLAW or both. (The new ABA accreditation standards require law schools to have access at least to one of the systems.) Some schools give students the option of being trained in computer-assisted legal research (CALR); in other schools training is compulsory. West and Mead in the past several years have undertaken large-scale training programs in law schools. In these programs eight or ten terminals are installed at a law school for one or more weeks. Training materials are supplied, and, in many cases, company trainers handle the one-to-two hour instructional sessions. This is a great boon to the law schools, which can now have large numbers of students trained very quickly under excellent conditions. The alternative to such company-sponsored training sessions may be depersonalized instruction using video-tapes, computer programs, or reading materials, or training three or four students at a time over a period of many weeks. The temporary learing centers created by West and Mead save the law schools time and money and provide the vendors an excellent opportunity to "sell" the future lawyers on the benefits of CALR in general, and on the virtues of their specific system.

After being trained, many students become highly proficient computer researchers and find the services invaluable in preparing papers, writing briefs and memos, and checking citations for law reviews or faculty employers. Law firms find it very advantageous to hire law clerks or beginning associates who walk into their offices with a degree of proficiency and confidence in their ability to do computer-assisted research. What the neophyte lawyers do not understand is the element of cost-effectiveness in computerized searching. In law school they are not accountable for errors or lack of efficiency. The law schools pay a flat rate for LEXIS and WESTLAW and are therefore little concerned about waste of computer time. In the law firm setting, however, each search costs money and must often be justified to the client who is billed for it. West and Mead have just begun to make an effort to provide some special training to graduating law students on cost-effective searching.

It seems clear that as of now we know relatively little about the effectiveness of full-text computerized legal research. Effectiveness can be rated according to the percentage of relevant documents retrieved, and the ratio of relevant to irrelevant documents retrieved by searches. Only one full- scale test has been run and this was not done with either WESTLAW or LEXIS.[11] But this one test has stirred up a little dust storm of debate and controversy.[12] In this study researchers using one full-text research system (IBM's STAIRS) retrieved only about 20% of relevant documents. The database consisted of about 40,000 litigation-related documents. Because of the content of the database and the software used, the findings of this study have limited application to LEXIS and WESTLAW searches.

One hopes that in the future, well-conceived, indepth studies will give us more reliable knowledge about the effectiveness of full-text legal database searches. Until that time one must always be aware that every research tool and approach has its own limitations. Full-text searching is well suited to certain types of problems and poorly suited to others. Search results produced by computerized systems should not be assumed to be complete without strong independent verification.

Legal databases have now reached full maturity in the United States. Mead Data Central reported revenue of $187.6 million for 1986, a 22% increase over the previous year. Mead helped earn this revenue by winning 1800 new subscribers last year. During the peak of the month of 1986, subscribers to LEXIS and NEXIS ran 620,000 searches. The highest one-day total was 72,000 individual searches.[13] But just as online database searching was building momentum, a new product on the market hinted at the possibility of dramatic changes.

V. Law-Related Information on Optical Disk

This new medium is the compact disk, also know as CD-ROM (compact disk – read only memory) or optical disk or laser disk. For a number of years laser disks have been an alternative format to magnetic tape for at home presentation of movies. Compact disks containing digitally encoded music came on the market in 1983 and are now replacing the phonograph record. By 1985 this medium was being used to record text. "In the first year, a host of vendors had begun to display a variety of CD-ROM-based applications including bibliographic databases and stand-alone cataloging support systems...." A compact disk can hold about 150,000 printed pages or the equivalent of 300 volumes of 500 pages each.[14] This capacity is likely to increase rapidly. More and more library-related products are being offered on CD-ROM. Among these are ERIC (an education database), *Books in Print*, and large files of bibliographic records.[15] The Library of Congress has made a major commitment to CD-ROM as a medium for preserving and disseminating print materials.[16]

The first of these products to make an impact in law libraries contains indexes of the Information Access Corporation of California. Already available in print and on microfiche, a number of these indexes have been marketed since the summer of 1985 on laser disks. Called "InfoTrac," this service consists of customized IBM personal computers, Hewlett-Packard Think Jet printers, Pioneer laser disk players, and connecting devices, which play laser disks. The disks are replaced with updated versions monthly. Indexes which are thus far available include an index to law journals going back to 1980, as well as indexes to U.S. government publications and to general interest newspapers and magazines.

Although a great improvement over printed indexes, which require scanning numerous bound volume and paper supplements, and hand copying of relevant citations, InfoTrac is fairly primitive compared to WESTLAW and LEXIS InfoTrac is literally an electronic version of the printed index; the access points of the two formats are identical. One can search by author's last name and by subject heading, but not by title or key word. InfoTrac is modern in form but traditional in content; one is still tied to the indexing choices of editors. The Library of Congress subject headings used by InfoTrac can make it difficult to find all relevant articles. Germane items may be listed under one or more broad subject headings and under a number of other, more precise categories, without duplication or cross references. This product would be much more useful if it permitted key word searching using Boolean connectors. This enhancement may already be on the way.

Mead and West are developing CD-ROM products. West is working with Wang Laboratories. "West is developing the software needed to prepare data to go into a disk, while Wang is developing all of the research software needed to retrieve information from the disk." These products, to be known as "books," will probably contain selected legal materials related to a particular topic or jurisdiction. The first of these disks is expected on the market in 1987.[17] With this new medium West hopes to combine the advantages of full-text searching and personal computer flexibility with the logical structure of the traditional treatise. Mead is also said to be working on CD-ROM products but has released no details.

Several authors have tried to predict the potential impact of this new information technology on the law library. One writer describes a library where most books have been replaced by terminals and personal computers manipulating data stored in small cabinets of CD-ROMs. The once-crowded library reading room is now comparatively empty: book ranges have been removed and electronic workstations installed in their place. Only archival material and specialized collections are still retained in print form.[18] Another commentator suggests that online databases will continue to be the appropriate medium for large-scale information banks such as those stored in LEXIS and WESTLAW. Current information can also be obtained most efficiently from remote databases. CD-ROM is likely to be an auxiliary information source interstitially supplementing media now in use. "..[T]he future of law libraries is not one likely to be one free of books, microforms or remote online databases."[19]

VI. Digital Audio Tape

CD-ROM is not the latest word in information storage, however. That honor probably goes to digital audio tape (DAT). As of this writing, DAT and its player/recorders are being introduced in Japan, the land where they were invented. A DAT cassette measuring 2 inches by 3 inches (the standard audio cassette is 2 1/2 inches by 4 inches) can hold digital information equivalent to 600,000 printed pages. This is twice the capacity of CD-ROM. Compact disks can only be played; they cannot be used to record. The disks are produced in high tech modern pressing plants. DAT, on the other hand, can be used to record at home as well as to play. The copies which can be made with DAT, moreover, are of the same quality as the original: copying does not cause deterioration. (For this reason, the producers of compact disks are very concerned about the introduction of digital audio tape. They believe that it will be used illegally to make perfect reproductions of their copyrighted music.)[20]

Although information on tape is not as quickly retrieved as information on disk, the marketing of digital audio tape gives new fuel to the speculations of the visionary futurist. Instead of a library with terminals rather than books, one can prophesy personal libraries, a library in a briefcase. The lawyer's library could consist of a briefcase filled with tiny digital audio tapes, one tape for U.S. Supreme Court cases, one for the Federal Reporter, one for the U.S. Code, etc. Also in the briefcase would be a small type player attached to a miniature keyboard and screen. The miniaturization of information is moving in this direction. Once data is entered in machine-readable form, the costs of reproducing it on tape would be modest.

The musings of the information visionary might be interrupted by the information realist, who asks: "What's so great about digital audio tape? Online databases can already be accessed from almost anywhere with a portable computer and modem. And with online databases you get virtually instantaneous response and pay only for material you actually use. What's the advantage of the DAT stuff?"

As with CD-ROM, DAT is not likely to be a replacement for large online databases. DAT shares with compact disks and microforms the advantages of space efficiency and local control of the data source. The use of DAT would not entail communications or subscription charges (except for updated tapes). It might therefore be economical to have heavily used materials in this format. DAT, as with CD-ROM, could be used to store material of primarily local interest which would not be available in large-scale databanks. But all of this talk is speculative at present. No digital audio tape has yet been sold in the United States. No plans have been announced to use it for data storage. News of DAT, however, is one more indication that the future of legal information technology is going to be dynamic and increasingly unpredictable.

VII. Electronic Databases and Law School Library Accreditation

If academic law libraries are to take full advantage of the new technologies, traditional accreditation standards, which speak only to print and microform holdings, have to be revised. Such changes in the American Bar Association standards worked their way through the committee process for several years and finally passed in August 1986.[21] The revised standards require law schools to give their students and faculty reasonable access to computerized legal research services and permit the substitution of electronic sources for printed holdings.[22]

These revisions have been described and analyzed in a perceptive article by Professor Anita L. Morse, Director of the University of Wisconsin Law Library. The prior standards required libraries to own a long list of specific printed sets and did not acknowledge the research and pedagogical value of electronic databases. Of these older requirements Morse wrote, "the standards .. present a barrier to innovation in research and information delivery methods and provide no challenge for the long-established law school seeking improvement in educational quality." By eliminating "specific title references," the new standards release "libraries from the monopoly of legal publishers."[23]

Morse suggests that the revised library standards, although useful, create new concerns. Instead of being dependent on books which they own and control libraries may become dependent on databases.

"Libraries do not own databases. When the computer subscription ends, there is nothing left but the box."[24] Computer dependency raises questions about the number of terminals which may be required and the ability of the general public to gain access to legal materials. LEXIS and WESTLAW contracts with law schools restrict access to those affiliated with the particular educational institution. Many libraries by choice or necessity serve those who are not affiliated. Although Morse appears to share these and other concerns about the proposed standards, she concludes that "they ... offer us a number of opportunities for improvement and innovation."[25]

VIII. Conclusion: Further Progress Toward the Electronic Law Library

Now that we have reviewed the developments in legal databases over the past three years, let us address the question that was raised in the first article in this series: to what extent is the traditional law library being superseded by a new electronic model? In other words, what are the prospects that law books and journals will be replaced by electronic sources such as online databases, laser disks, and digital tape?

As we wrote in 1983, "prophesies that the book will soon become extinct are certainly premature, at least with regard to the demise of legal literature."[26] And yet in the past few years enormous progress in that direction has been made, and much more movement seems imminent.

In early 1983 no law reviews were available online; now the full-texts of thousands of articles published since 1982 are accessible electronically. Relevant articles can also be located using an index on laser disk.[27] As the two commercial vendors load the older state and federal cases, and enrich their databases with more and more administrative and secondary (commentary, current awareness, etc.) material, the coverage of their services continues to gain comprehensiveness. Although some looseleaf services are now online, [28] principally those published by the Bureau of National Affairs, most of the major sets are still available only in print. The large body of legal monographs has not been put online and I know of no plans to do so. Large, logically- arranged works such as Prosser on Torts do not seem to benefit as much from full-text searching as law review volumes, case reporters, or codes, whose content consists of numerous short units arranged in somewhat arbitrary sequence. For large works discussing a single subject according to a conceptual structure outlined, for example, in a table of contents, print appears to be the most appropriate format for some time to come.

Although the texts of legal monographs may not be online, bibliographic information about many of these books is available from electronic sources such as OCLC and RLIN.[29] Using such bibliographic databases, many academic libraries have created their own online catalogs of holdings. These electronic catalogs, in turn, have become the foundation for integrated computerized library systems, such as the NOTIS software developed at Northwestern University. In these systems bibliographic information about a specific publication is entered into the database once; the software then generates multiple records for acquisitions, technical processing, public catalog, and other purposes. Law libraries may implement such systems independently or as part of a broader program of computerization, undertaken, for example, by the university library. The creation of electronic catalogs or integrated, computerized library systems is another aspect of the trend toward replacement of paper information sources with machine readable data.[30]

As the electronic law library emerges, so does the electronic law librarian. This person may be a traditional librarian who takes a shine to the new technology, masters its terminology and nuances, and becomes confident in choosing and implementing automated systems. Another candidate is the computer wizard who is hired by a law library which needs guidance on selecting computers and software, programming skills, or other untraditional abilities. Unlike hammers and screwdrivers, which are easily purchased and used, computerized tools and products are bewildering in their diversity and daunting in the demands they place on would-be users. Only a specialist may be able to understand the evaluate the vast array of programs and machines in the computer market. The electronic law library must therefore have a profound effect on its administrative and information services personnel.

Driven by free market forces in the United States, Japan and other countries, the information field seems to be changing faster than ever before. New products become obsolete very quickly as waves of evolutionary and revolutionary advances break over the market place. The rapidity of these changes, and the complexity of the electronic products available for library use, are changing law librarianship *pari passu* with the transformation of the law library itself.[31]

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2. See for example, D.W. Hessler, "The CD-I Standard: A New and More Comprehensive Specification for Information Storage and Retrieval on Compact Optical Discs," *Library High Tech News*, No. 26 (April 1986) 14. Sony and Philips have agreed to a standard for disks and players "which permits text, data, and computer programs to be linked together...and be integrated with audio of video information also contained on the [Compact Disc – Interactive] disc."
3. Michael Lloyd, *Legal Databases in Europe: User Attitudes and Supplier Strategies* (Amsterdam: Elsevier Science Publishers, 1986), 7-8, 168, This study is Report No. EUR 10439 of the Commission of the European Communities, Directorate-General, Information Market and Innovation, Luxembourg. It was completed in 1985 under contract with the E.E.C. Commission of the European Communities. For comments on limited use of information retrieval in British law firms, see Diane Raper, "Information Technology in Law Firms," 17 *Law Librarian* 26 (April 1986). See also "The Failure of Legal Databases in Europe: A Case Study in Bad Marketing," *Information Market* No. 41 (Oct. – Nov. 1985), 8.
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5. *Ibid*
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8. For a detailed review of the problems of and current literature on full-text searching, see Robert C. Berring, "Full-Text Databases and Legal Research: Backing into the Future," 1 *High Technology Law Journal* 27 (1986).
9. Some of the following remarks are bases on telephone conversations between the author and Clare Smith Long, • Mead Data Central, and William H. Lindberg, West Publishing Co.
10. *West Publishing Co.* v *Mead Data Central Inc.*, 616 F. Supp. 1571 (D.C. Minn. 1985), aff'd 799 F.2d 1219 (8th Cir. 1986), cert. den. 107 S.Ct. 962, 93 L.Ed. 1010 (1987).
11. David Blair and M.E. Maron, "An Evaluation of Retrieval Effectiveness for a Full-Text Document – Retrieval System," 28 *Communications of the ACM (Association for Computing Machinery* 289 (1985).
12. Al Coco, "Full-Text vs. Full-Text Plus Editorial Additions: Comparative Retrieval Effectiveness of the LEXIS and WESTLAW Systems," 4 *Legal Reference Services Quaterly* 27 (Summer 1984); Daniel P. Dabney, "The Curse of Thamus: An Analysis of Full-Text Legal Document Retrieval," 78 *Law Library Journal* 5 (1986); Jo McDermott, "Another Analysis of Full-Text Legal Document Retrieval," 78 *Law Library Journal* 337 (1986); Craig E. Runde and William H. Lindberg, "The Curse of Thamus: A Response," 78 *Law Library Journal* 345 (1986); Daniel P. Dabney, "A Reply to West Publishing Company and Mead Data Central on 'The Curse of Thamus,'" 78 *Law Library Journal* 349 (1986).
13. 4 *Information Today* 44 (March 1987).
14. "CD-ROM Leads the Way at ALA," VII *Library Systems* No. 2 (Feb. 1987), 9. Not all of the raw capacity can be allocated to data, however. Some space must be used for the commands which make retrieval possible.
15 "DIALOG On Disk ERIC – Information for Everyone," 15 *Chronolog* No. 2 (Feb. 1987), 87: 25; 18 *AALL Newsletter* No. 6. (Feb. 1987), 168; 18 *AALL Newsletter* No. 7 (March 1987), 215; *Library Hi Tech News*, No. 25 (March 1986), 4; "Saztec to Computerize British Library Catalogue," 4 *Information Today* 20 (March 1987); "WLN Develops Optical Disk Database," VI *Library Systems* No.8 (Aug. 1986) 62.

16 *Library High Tech News* No. 26 (April 1986), 2; No. 32 (Nov. 1986), 2,4.
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20 Michael Rogers, "DAT: The Newest Sonic Boon?" *Newsweek* 66 (Sept. 1, 1986); Barbara Buell, "And You Thought Nothing Could Top Compact Disks," *Business Week* 67 (Aug. 11, 1986).
21 American Bar Association, *Standards for Approval of Law Schools and Interpretations* ... (Indianapolis, IN: Office of the Consultant on Legal Education to the American Bar Association, September, 1986). The relevant changes were a new interpretation to Standard 405(b) and revisions of Standards 602 and 603.
22 Anita L. Morse, "Proposed Amendments to the ABA Standards for the Approval of Law Schools," 78 *Law Library Journal* 481 (1986).
23 *Id.*, 482, 486.
24 *Id.*, 486-87.
25 *Id.*, 487, 498.
26 See note 1, *supra*, 11
27 The indexes are produced by Information Access Corporation. See discussion, *supra*, at 7.
28 E.g., *Chemical Regulation Reporter* (BNA), *Environment Reporter* (BNA).
29 "OCLC" stands for Online Computer Library Center (Dublin, Ohio). RLIN is the electronic database of the Research Libraries Group, Stanford, California.
30 University-wide electronic library systems can threaten the substantial law library autonomy mandated by American Bar Association accreditation standards. "The law school library shall have sufficient administrative autonomy to direct its growth, development and utilization to afford the best possible service to the law school." "The dean, law librarian, and faculty of the law school shall be responsible for determining library policy, including the selection and retention of personnel, the selection of acquisitions, arrangement of materials and provision of reader services." See also other sections and Interpretations of Standard 604, American Bar Association *Standards for Approval of Law Schools and Interpretations* ... (September, 1986). See also, Oscar M. Trelles, II, and James F. Bailey, III, "Autonomy, Librarian Status, and Librarian Tenure in Law School Libraries: The State of the Art, 1984," 78 *Law Library Journal* 605 (1986). This article is based on answers to a questionnaire which asked, *inter alia*, "Please comment on any problems or situations which have arisen between the law library and the university library because of any type of automation." *Id.*, 675. Law libraries may find that they are the servants of a computerized system which, as administered, is not flexible enough to accommodate itself to their practices, and which demands conformity with policies of the arts and science library. Although this is not inevitable, a university library computerized system may give the university library administration the information and leverage needed to impose its will on the previously semi-autonomous law library.
31 For some comments on the changing role of the law librarian, see Robert C. Berring, "The 'Stereotypical' Librarian: A Person Who Exists No More," *National Law Journal* 48 (July 14, 1986); John C. Metaxas, "Firm Librarians No Longer Mere Keepers of the Books," *National Law Journal* 1 (July 14, 1986); Deborah Panella, "Why Lawyers Shouldn't Conduct Database Searches," *National Law Journal* 47 (July 14, 1986).

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ONLINE DATABANKEN ZUM EG-RECHT UND IHR ANGEBOT

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Die Europäischen Gemeinschaften (EG) Konnten in diesem Jahr ihren 30. Geburtstag feiern. Mit der Aufnahme von Spanien und Portugal wuchs die EG auf zehn Mitglieder an. Und die Türkei hat im Frühjar 1987 einen Antrag auf Mitgliedschaft gestellt. Auchs als rechtschöpferisch tätige Organisation konnte sich die EG etablieren. Das Gemeinschaftsrecht ist mittlerweile in allen Mitgliedsstaaten zu einem unübersehbaren Bestandteil ihrer nationalen Rechtssysteme geworden. Innerstaatliche Sachverhalte des Handels-, Wirtschafsoder Finanz- bzw. Steuerrechts können nur noch unter Berücksichtigung der einschlägigen EWG-Normen adäquat gelöst werden. Die gedruckten Rechtsquellen des EG-Rechts und die gesamte Sekundärliteratur füllen mittlerweile ganze Bibliotheken. Selbst Experten fällt es schwer, die Masse von gemeinschaftsrechtlicher Literatur vollständig zu überblicken.

Im Zusammenhang mit der zunehmenden Verbreitung von Online-Datenbanken überrascht es deshalb nicht, dass auch einige interessante Datenbanken zum EG- Recht entstanden sind. Da die Bibliothek des Max-Planck-Instituts für ausländisches öffentliches Recht und Völkerrecht als ein Europäisches Dokumentationszentrum bemüht ist, einen möglichts lückenlosen Bestand zum Gemeinschaftsrecht aufzubauen, haben wir uns bei Einrichtung einer Informationsvermittlungsstelle sofort speziell um den Zugang zu Datenbanken mit EGrechtlichem Inhalt gekümmert. Der nachfolgende überblick beruht auf den praktischen Erfahrungen, die wir seit 1983 beim Information-Retrieval in diesen Datenbanken gewonnen haben.

Da ich mich auf öffentlich zugängliche Datenbanken zum EG-Recht beschränken will, sollen haupsächlich die Hosts EG (CELEX), MDC (LEXIS) und CED (ITALGIURE) sowie kurz noch JURIS mit ihrem Angebot vorgestellt werden.

1. CELEX

Bei juristischen Bibliothekaren in Europa sind die CELEX-Datenbanken heute wohl am besten bekannt. Die EG schufen sich mit CELEX (Comunitatis Europeae Lex) ihre eigenes automatisiertes Rechtsdokumentationssystem. Unter der Bezeichnung CELEX existieren heute fünf inhaltlich fast identische Datenbanken, dis sich hauptsächlich dadurch unterscheiden, dass die jeweils abgespeicherten Dokumente in einer der offiziellen Amtsprachen französisch, englisch, deutsch, italienisch und niederländisch abgefasst sind. Wie aus dem Anhang am Schluss ersichtlich wird, unterscheiden sich diese Versionen hauptsächlich in Bezug auf ihren Umfang: Die französische CELEX-Datenbank enthält die grösste Zahl an Dokumenten im Volltext. die anderssprachigen Datenbanken decken demgegenüber einen etwas geringeren Erfassungszeitraum ab.

Jede CELEX-Datenbanken besteht aus drei Bereichen oder Dateien. Darin enthalten ist im Prinzip des gesamte Gemeinschaftsrecht, d.h.

- die vertäge zur Gründung der Europäischen Gemeinschaften, Änderungs- und Beitrittsverträge
- die daraus abgeleiteten Rechtsakte, z.B. Verordungen, Richtlinien;
- die Abkommen der Gemeinschaft mit Drittländern;
- die Rechsprechung des Europäischen Gerichtshofs sowie die Schlussanträge der Generalanwälte;
- die vorbereitenden Gesetzgebungarbeiten;
- Anfragen im Europäischen Parlament.

Jedes Gemeinschaftsorgan gibt seine eigenen Dokumente selbständig in die Datenbanken ein. Um es speziell für Bibliothekare zu definieren: CELEX enthält das Gemeinschaftsrecht, wie man es im "Amtsblatt" und der "Sammlung der Rechtsprechung des EuGH" findet. Die meisten Dokumente sind im Volltext in der Datenbank gespeichert. Ausserdem wird jedes Dokument noch in eine grosse Anzahl von analytischen Suchfeldern aufgeteilt, die natürlich einzeln abfregbar sind. CELEX enthält also eine Kombination aus Volltext-Datenbank und strukturierter Datenbank. Die EG wendet sehr viel Arbeit auf, um jedes Gemeinschaftsdokument optimal für eine Speicherung und ein Retrieval in CELEX zu erschliessen. Man kann CELEX vielleicht bezüglich der inhaltlichen Gestaltung als eine gelungene Kombination aus WESTLAW und LEXIS ansehen. Zum gegenwärtigen Zeitpunkt dürften etwa 100 000 Dokumente in einer CELEX Datenbank gespeichert sein.

Als Abfragesprache dient MISTRAL v der Firma Bull. Seit Anfang 1987 wird CELEX auf einem eigenen Rechner der EG in Luxemburg angeboten. Gleichzeitig wurde einen verbesserte Version von MISTRAL geladen. Leider lässt das System immer noch einigen Wünsche nach einem einfach zu bedienenden Rechtsinformationssystem offen. Im Vergleich z.B. mit der Abfragesprache von LEXIS scheint mir CELEX doch noch zu kompliziert, um eine erfolgreiche Abfrage durch enien durchschnittlichen Juristen zu ermöglichen, der ansonsten über keine speziellen Computer-Kenntnisse verfügt. Allerdings muss gesagt werden, dass MISTRAL dem erfahrenen Benutzer eine grosse Anzahl sehr mächtiger und nützlicher Befehle zur Verfügung stellt. Trotzdem fragt man sich als europäischer Bibliothekar,

warum CELEX nicht unter CCL (Common Command Language) abgefragt werden kann. Immerhin ist CCL ein von der EG selbst entwickelter und empfohlener Standard.

Die CELEX-Datenbanken können als grundsätzlich vollständige Sammlung des neueren Gemeinschaftsrechts bezeichnet werden. Sie enthalten die gesamte Rechtssprechung des EUGH seit 1954 im Volltext (französisch Version), das sind im Sommer 1987 insgesamt 2300 Entscheidungen. Ferner findet man die gesamte Gesetzgebung seit 1979, z.B. 13 500 Verordnugen im Volltext. Allderdings benötigt man bei einer Abfrage in den Bereichen "Vorarbeiten" und "Parlamentarische Anfragen" auch weiterhin als ergänzende Informationsquelle eine gedruckte Ausgabe des Amsblatts, da CELEX insofern lediglich als Nacheisdatei zur Verfügung steht, d.h. nicht den Volltext der Dokumente enthält, sondern nur kurze Abstracts.

Hinsichtlich der Aktualität CELEX im internationalen Vergleich leider nicht so gut ab. Alle Dokumente werden erst dann in die Datenbank eingegeben, wenn sie in gedruckter Form vorliegen. Das führt beim Amtsblatt zu einer Verzögerung von etwa zwei bis vier nach Erlass eines Rechtsakts. Bei Urteilen des EUGH kann es aber geschehen, dass der Volltext erst 18 Monate nach Verkündung der Entscheidung in CELEX verfügbar wird.

Zwei mir wichtig erscheinende Besonderheiten von CELEX möchte ich noch kurz erwähnen. Zu vielen Entscheidungen des EUGH haben juristische Autoren Urteilsanmerkungen in Fachzeitschriften veröffentlicht. CELEX bemüht sich, diese Anmerkungen so weit wei möglich zu sammeln und speichert die bibliographischen Anmerkungen zu jedem Artikel in einem analytischen Abfragefeld im Anschluss an die jeweilige EUGH-Entscheidung.

Ausserdem enthält jedes Dokument zumeist mehrere Felder, in denen die Beziehungen zu anderen CELEX-Dokumenten nachgewiesen ist. So z.B. wird bei einer Verordnung festgehalten, welche Rechtsakte ihr vorausgehen oder nachfolgen, welche Rechsakte zitiert werden. Das im Vergleich zu anderen Rechtsdatenbanken besondere Merkmal besteht nun darin, dass auch zeitlich später ergangene Dokumente mit ihren Vorgängern verknüpft werden und damit leicht auffindbar sind. CELEX aktualisiert also beständig seine gesamte Datenbank, auch die bereits gespeicherten Dokumente.

Seit letztem Jahr wird die deutschsprachige Version von CELEX auch von dem Host NOMOS/EDICLINE mit der Retrievalsprache GRIPS/DIRS angeboten.

2. SCAD

Im Zusammenhang mit CELEX sollte noch kurz die seit 1. April 1987 ebenfalls von der kommission der EG angebotene Datenbank SCAD erwähnt werden. SCAD steht für "Service Central Automatise der Documentation" und ist Bibliothekaren zum Teil schon in gedruckter Version bekannt.

Es hadelt sich hierbei um eine Datenbank mit bibliographischen Angaben zu eruoparechtlicher Literatur. Nachgewiesen werden

- die wichtigesten Rechtsakte der Gemeinschaft;
- die amtlichen Veröffentlichungen und Dokumente der EG;
- Zeitschriftenartikel zur EG, speziell auch zu Rechtsfragen.

In sommer 1987 enthlt die Datenbank etwa 50 000 Nachweise, wobei zu beachten ist, dass der Erfassungszeitraum der Dokumente 1980 beginnt. Höchst hilfreich ist ein Schlagwort-Thesaurus, der französiche Deskriptoren für SCAD enthlt. Mehrere Recherchen in dieser Datenbank brachten bis jetzt ordentliche Ergebnisse. Meiner Kenntnis nach ist SCAD derzeit noch die einzige auf Europarecht spezialisierte bibliographische Datenbank. Sie wird in in den EG-Bibliotheken in Brüssel und Luxemburg aufgebaut.

3. LEXIS (MDC)

Als einer der weltweit grössten Anbieter von juristischen Datenbanken kann MEAD DATA CENTRAL (MDC), auch uter dem Namen LEXIS bekannt, mit einer ganzen Anzahl von Datenbanken zum EG-Recht aufwarten. Wie bei LEXIS üblich, handelt es sich ausnahmslos um Volltextdatenbanken, d.h. sie enthalten jeweils den vollständigen Text eines Urteils oder Rechtsaktes. Leider sind die Dokumente bei LEXIS nicht intellektuell aufgearbeitet und z.B. in zusätzliche analytische Felder aufgeteilt wie bei CELEX. Wie unsere bisherigen Erfahrungen beim recherchieren in volltextdatenbanken gezeigt haben, kann es äusserst schwer werden, die gesuchten Dokumente aufzufinden, wenn Hilfsmittel wie ein Thesaurus, Schlagworte (Deskriptoren), Felder mit zitierten Gesetzen uä. fehlen. Die bibliothekarische Praxis lehrt, dass eine optimale Sacherschliessung nur mit einem normierten Erschliessungsinstrument (Klassifikation oder Schlagwortthesaurus) gewährleistet ist. Da genau dies bei LEXIS fehlt, gestaltet sich eine Suche oftmals als ausserordentlich frustrierend.

In der Datei EUROPEAN COMMUNITIES LIBRARY bietet LEXIS mit dem File CASES die Rechtsprechung des EUGH im Volltext seit 1954 in englischer Sprache an. Grundlage für diese Datenbank ist – wie so oft – eine gedruckte Sammlung, nämlich die "European Court Reports". Darüber hinaus enthlat die Datenbank auch Entscheidungen der Europäischen Menschenrechtskommission sowie des Europäischen Gerichtshofs für Menschenrechte. Es ist mir bis jetz noch nicht gelungen, die Frage nach der Vollständigkeit der Datenbank aufzuklären. Im Vergleich mit CELEX scheint LEXIS aber seine Datenbank schneller aufzubauen. Auch jüngst erangene Entscheidungen sind alsbald abfragbar. Allderings sind die kosten bei einer Recherche in LEXIS-Datenbanken immer höher als bei anderen Hosts. Grund dafüt ist die grundlegend unterschiedliche Preispolitik zwischen LEXIS und z.B. CELEX.

Eine weitere Datei trägt den Titel COMMISSION DECISIONS FILE. Sie enthält Rechtsakte der Kommission zum Wettbewerbsrecht, also Dokumente, die vor allem für wirtschaftsrechtlich tätige Rechtsanwälte von Interesse sind. Die Datenbank wird auf der Grundlage des gedrucken "Amtsblatt L" aufgebaut.

LEXIS verfügt ja auch über eine Zweigstelle in Frankreich. Hier werden eine ganze Reihe recht interessanter Datenbank zum französischen Recht erstellt, die dann zentral von LEXIS/USA angeboten werden. Eine dieser Dateien lässt schon vom Titel COUR DE JUSTICE DES COMMUNAUTES EUROPENNES erkennen. dass darin noch einmal die Rechtsprechung des EUGH im Volltext zur Verfügung steht, diesmal in französischer Sprache. Sei ist nicht vollständig. Enthalten sind Urteile und Schlussanträge von 1954 bis 1985 sowie ab 1985 nur noch die unveröffentlichten Urteile. Als Grundlage dient die gedruckte Entscheidungssammlung "Recueil des Arrets".

Die Datei JOURNAL OFFICIEL DES COMMUNAUTES EUROPEENNES SERIE L enthält den vollständigen Text des Amtsblattes L seit 1952 mit der Ausnahme von Tabellen, Annexen und nur zeitweise gültigen Rechtsakten. Grundlage für den Aufbau der Datenbank bietet natürlich die Druckausgabe des Amtsblatts. Wiederum sind die Dokumente in französischer Sprache. Enie weitere Besonderheit der von LEXIS/France erstellten Datenbanken besteht darin, dass auch die Retrievalsprache zum grossen Teil französisch ist. Dies führt mitunter zu Verwirrungen.

Insgesamt kann LEXIS einem Vergleich mit CELEX nicht standhalten. Zwar sind die Dateien zum Teil aktueller, sie sind aber nicht so vollständig und vor allem nicht so gut aufgearbeitet wei bei CELEX. So sucht man z.B. vergebens in den Dokumenten Hinweise auf frühere oder nachfolgende Rechsakte. Für LEXIS spricht auf der anderen Seite aber wieder die wesentlich einfacher zu beherrschende Retrievalsprache. Eine Bibliothek, die es sich leisten kann, sollte beide Hosts im Zugriff haben.

4. ITALGIURE

Der italienische Host CENTRO ELETTRONICO DI DOCUMENTAZIONE DELLA CORTE SUPREMA DI CASSAZIONE (CED) verfügt mit seinem System ITALGIURE seit vielen Jahren schon über ein umfassendes und gutes juristisches Informationssystem, das sich einige endere Host durchaus zum Vorbild nehmen könnten. Hauptsächlich das italienische Recht wird durch ein vielfältiges Angebot von Datenbanken sehr gut abgedeckt. Aber auch zum EG-Recht kann man bei CED Dateien finden.

So bietet die Datenbank CEE insgesamt über 5000 Dokumente des EUGH seit 1954 an, natürlich in italienischer Sprache. Wie es gerade für das italienische Recht typisch ist, werden alle Urteile in der Form sogenannter "massime" wiedergegeben. Es handelt sich dabei um nichts anderes als um Abstracts der Entscheidungen. Die wesentlichen Teile jedes Urteils sind in einzeln abfragbaren Feldern gespeichert. Selbstverständlich kann man über die Fundstelle jederzeit den vollständigen Text jedes Urteils in der gedruckten "Raccolta della Giurisdizione della Corte" nachlesen. Das bedeutet, sinnvoll kann diese Datenbank nur im Zusammenhang mit einer entsprechend ausgestatteten juristischen Bibliothek benutzt werden. Vielleicht etwas überraschend erscheint die Tatsache, dass manche Urteile des EUGH mehrfach gespeichert sind, ITALGIURE spaltet eine Entscheidung dann in mehrer Dokumente auf, wenn gleichzeitig verschiedene Sachverhalte oder Rechtsfragen darin verbunden sind. Im Ergebnis stört dies nicht, da man bei der Abfrage immer die gesuchte Zielinformation findet.

Das Gleiche gilt auch für die Datenbank LIBERT. Sie enthält alle Entscheidungen der europäischen Menschenrechtskommission und des europäischen Gerichtshofs für Menschenrechte, wiederum in der Form von "massime". Gegenwärtig sind etwa 1100 Dokumente gespeichert, was auf eine vollständige Sammlung aller enischlägigen Entscheidungen schliessen lässt. Für den Volltext der Dokumente muss man wiederum die Hilfe einer Bibliothek in Anspruch nehmen.

Zwei Umstände erschweren das Recherchieren beim Host CED recht erheblich. Zum einen muss man nicht nur die italienische Spreche einigermassen beherrschen, sondern gerade auch die

italienische Rechtsterminologie. Die zweite Schwierigkeit stellt sich dem Information Broker mit der Retrievalsprache FIND 2.0, die nach heutigen Massstäben doch als recht schwierig zu beherrschen und damit als veraltet anzusehen ist. Auch ist es äusserst schwierig, ein Handbuch oder eine schriftliche Bedienungsanleitung zum Host CED zu erwerben. Diese erscheinen nämlich in einem italienischen Verlag e's normale Monographien.

5. Juris

Zum Schluss möchte ich noch darauf hinweisen, dass der deutsche Host JURIS ebenfalls europarechtliche Dokumente gespeichert hat. In der Datei RECHTSPRECHUNG sind insgesamt 1350 Urteile des EUGH abfragbar. Die Dokumente sind nur in Kurzform gespeichert, d.h. meistens nur in Leitsätzen, also nicht im Volltext. Vergleicht man die Zahl der Dokumente mit der von CELEX, so wird klar, dass bei JURIS nicht die gesamte Rechtsprechung des EUGH zugreifbar ist. Nach unseren Recherchen scheint das Kriterium für die Aufnahme einer Entscheidung in die Datenbank der Umstand, das sie in einer deutschsprachigen Zeitschrift oder Entscheidungssammlung abgedruckt wurde. So stösst man schon wieder auf das etwas eigentümliche Phänomen, dass Grundlage für den Aufbau eine Datenbank ein Druckwerk ist. Darf man da als Bibliothekar nicht ein wenig schmunzeln?

Die Retrievalsprache von JURIS heisst GOLEM. Nach meiner persönlichen Einschätzung vermag sie einem Vergleich mit den Abfragesprachen anderer Hosts nicht vollständig standzuhalten. Sie wirkt umständlich und nicht leicht erlernbar. Verbesserungen wären angebracht. Wie zu hören ist, trägt man sich bei JURIS ebenfalls mi dem Gedanken, die CELEX-Datenbank aufzukaufen und zusätzlich anzubieten.

ANLAGE 1 : INHALT DER CELEX-DATENBANKEN
INFO : INHALT DER DATENBANK UND STAND DER AKTUALISIERUNG

VERTARAGE (BEREICH 1)
(VOLLTEXT WIRD NACH UND NACH EINGEGEBEN)
–
ABKOMMEM (BEREICH 2) : AM 1.7.1979 NOCH GUELTIGE UND ALLE SPAETER VEROEFFENTLICHTEN RECHTSAKTE (VOLLTEX IN DER ANLAGE DER DURCHFUEHRUNGSAKTE IM BEREICH 3) STAND DER AKTUALISIERUNG : ABL L 113 VOM 30/04/1987
–
GESETZGEBUNG (BEREICHE 3 & 4) : AM 1.7.1979 NOCH GUELTIGE UND ALLE SPAETER VEROEFFENTLICHTEN RECHTSAKTE (AUSSER RECHTSAKTE DER LAUFENDEN VERWALTUNG) STAND DER AKTUALISIERUNG :
ABL L 118 VOM 06/05/1987
ABL C 094 VOM 07/04/1987
VOLLTEXT WIRD NACH UND NACH EINGEGEBEN
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–
–
VORARBEITEN (BEREICH 5) (OHNE VOLLTEXT)
– VORSCHLAEGE DER KOMMISSION
• AM 1.1.1984 VORLIEGENDE UND SPAETER VORGELEGTE VORSCHLAEGE
• STAND DER AKTUALISIERUNG :
• DATUM DER ZUSTELLUNG AN DEN RAT 28/04/1987
– ENTSCHLIESSUNGEN DES EUROPAEISCHEN PARLAMENTES
• SEIT DEN 1. DIREKTWAHLEN (JUNI 1979)
• STAND DER ATUALISIERUNG : TAGUNG VON 08-12/09/1986
– STELLUNGNAHMEN DES WIRTSCHAFTS- UND SOZIALAUSSCHUSSES SEIT 1973
• STAND DER AKTUALISIERUNG : SITZUNG NR. 244 VON 25-26/02/1987
– STELLUNGNAHMEN DES RECHNUNGSHOFES SEIT 1977
• STAND DER AKTUALISIERUNG : ABL C 094 VOM 07/04/1987
–
RECHTSPRECHUNG DES EUROPAEISCHEN GERICHTSHOFES (BEREICH 6) IN DER 'SAMMLUNG DER RECHTSPRECHUNG'
VEROEFFENTLICHTE DOKUMENTE
ENTSCHEIDUNGEN DES EUGH (MIT VOLLTEXT) ..... SEIT 1964
SCHLUSSANTRAEGE DER GENERALANWAELTE ..... SEIT 1965
STAND DER AKTUALISIERUNG :
BIBLIOGRAPHISCHE ANGABEN ZU DEN ENTSCHEIDUNGEN VON 86.12
VOLLTEXT BIS ZUM HEFT 85/11
PARLAMENTARISCHE ANFRAGEN (BEREICH 9) (OHNE VOLLTEXT)
SEIT DEN 1. DIREKTWAHLEN (JUNI 1979)
SCHRIFTLICHE ANFRAGEN : BIS ZUM ABL C 100 VOM 13/04/1987
MUENDLICHE ANFRAGEN : BIS ZUR TAGUNG VON 20-24/10/1986
FRAGEN DER FRAGENSTUNDE : BIS ZUR TAGUNG VON 20-24/10/1986

INFO – COVERAGE AND STATE OF UPDATING OF THE DATA BASE

TREATIES (SECTOR 1)
(FULL TEXT CURRENTLY BEING LOADED)
–
AGREEMENTS (SECTOR 2) : ACTS VALID ON 1.7.1979 AND LATER ACTS FULL TEXT AVAILABLE IN THE ANNEXES TO THE ACTS ADOPTING THE AGREEMENTS (SECTOR 3)
LATEST UPDATING :
OJ L 113 OF 30/04/1987
–
LEGISLATION (SECTORS 3 AND 4) : ACTS PUBLISHED IN THE OJ VALID ON 1.7.1979 AND LATER ACTS (EXCEPT ACTS OF DAY-TO-DAY MANAGEMENT)
LATEST UPDATING :
OJ L 118 OF 06/05/1987
OJ C 094 OF 06/04/1987
FULL TEXT CURRENTLY BEING LOADED
–
–
PREPARATORY ACTS (SECTOR 5) (NO FULL TEXT)
– COMMISSION PROPOSALS PENDING ON 1.1.1984 AND LATER PROPOSALS
• LATEST UPDATING :
• DOCUMENTS FORWARDED TO COUNCIL ON 28/04/1987
– RESOLUTIONS OF THE EUROPEAN PARLIAMENT AS FROM DIRECT
• ELECTIONS (JUNE 1979)
• LATEST UPDATING : SITTING OF 08-12/09/1986
• OPINIONS OF THE ECONOMIC AND SOCIAL COMMITTEE AS FROM 1973
• LATEST UPDATING : SESSION NR 244 OF 25-26/02/1987
– OPINIONS OF THE COURT OF AUDITORS AS FROM 1977
• LATEST UPDATING OJ C 094 OF 07/04/1987
– CASE LAW OF THE COURT OF JUSTICE (SECTOR 6)
DOCUMENTS PUBLISHED IN THE 'REPORTS'
COURT DICISIONS (WITH FULL TEXT) FROM 1964
OPINIONS OF ADVOCATES-GENERAL FROM 1965
LATEST UPDATING :
– ANALYTICAL DATA : COURT DECISIONS OF 86.12
– FULL TEXT – REPORTS, PART 85/11
–
PARIAMENTARY QUESTIONS (SECTOR 9) (NO FULL TEXT)
ALL QUESTIONS AS FROM DIRECT ELECTIONS (JUNE 1979)
LATEST UPDATING :
WRITTEN QUESTIONS : OJ C 100 OF 13/04/1987
ORAL QUESTIONS : SITTING OF 20-24/10/1986
QUESTIONS AT QUESTION TIME : SITTING OF 20-24/10/1986

INFO : COPERTURA E AGGIORNAMENTO DELLA BASE

TRATTATI (SETTORE 1) :
COMPLETO, TESTO INTEGRALE IN CORSO DI CARICAMENTO
–
ACCORDI (SETTORE 2) : ATTI ANCORA VIGENTI AL 1.7.1979 E SUCCESSIVI TESTO INTEGRALE DISPONIBILE IN ALLEGATO AGLI ATTI RELATIVI ALLA CONCLUSIONE (SETTORE 3)
ULTIMO AGGIORNAMENTO :
GU L 113 DEL 30/04/1987
–
LEGISLAZIONE (SETTORI 3 E 4) : ATTI ANCORA VIGENTI AL 1.7.1979
E SUCCESSIVI (ESCLUSI GLI ATTI DI GESTIONE CORRENTE)
ULTIMO AGGIORANAMENTO :
GU L 118 DEL 06/05/1987
GU C 094 DEL 07/04/1987
IL TESTO INTEGRALE VIENE INSERITO VOLTA PER VOLTA
–
–
–
ATTI PREPARATORI (SETTORE 5) (SENZA TESTO INTEGRALE)
– PROPOSTE DELLA COMMISSIONE :
• PROPOSTE IN ESSERE AL 1.1.1984 E SUCCESSIVE
• ULTIMO AGGIORNAMENTO :
• DOCUMENTI TRASMESSI AL CONSIGLIO IL 28/04/1987

– RISOLUZIONI DEL PARLAMENTO EUROPEO DALLA PRIMA ELEZIONE DIRETTA
• (GIUGNO 79)
• ULTIMO AGGIORNAMENTO : SEDUTA DEL 08-12/09/1986
– PARERI DEL COMITATO ECONOMICO E SOCIALE DAL 1973
• ULTIMO AGGIORNAMENTO : SESSIONE N. 244 DEL 25-26/02/1987
– PARERI DELLA CORTE DEI CONTI DAL 1977
• ULTIMO AGGIORNAMENTO : GU C 094 DEL 07/04/1987
–
GIURISPRUDENZA DELLA CORTE DI JIUSTIZIA (SETTORE 6) : PUBBLICATA NELLA 'RACCOLTA'
DECISIONI DELLA CORTE (TESTO INTEGRALE) : DAL 1964
CONCLUSIONI DEGLI AVVOCATI GENERALI : DAL 1965
ULTIMO AGGIORNAMENTO :
– DATI ANALITICI : DECISIONI DELLA CORTE DEL MESE DI 86.12
– TESTO INTEGRALE : (IN CORSO DI CARICAMENTO)
–
–
INTERROGAZIONI PARLAMENTARI (SETTORE 9) (SENZA TESTO INTEGRALE) DALLA PRIMA ELEZIONE DIRETTA DEL PE (GIUGNO 79)
ULTIMO AGGIORNAMENTO :
INTERROGAZIONI SCRITTE : GU C 100 DEL 13/04/1987
INTERROGAZIONI ORALI : SEDUTA DEL 20-24/10/1986
ORA DELLE INTERROGAZIONI : SEDUTA DEL 20-24/10/1986

INFO : COUVERTURE ET ETAT DE MISE A JOUR DE LA BASE
TRAITES (SECTEUR 1) :
COMPLET AVEC TEXTE INTEGRAL
–
ACCORDS (SECTEUR 2) : ACTES DEPUIS L'ORIGINE
TEXTE INTEGRAL DISPONIBLE EN ANNEXE DES ACTES CONCERNANT LA CONCLUSION (SECTEUR 3)
DERNIERE MISE A JOUR :
JO L 113 DU 30/04/1987
–
LEGISLATION (SECTEURES 3 ET 4) : ACTES PUBLIES AU JO DEPUIS L'ORIGINE (SAUF ACTES DE GESTION COURANTE)
DERNIERE MISE A JOUR :
JO L 118 DU 06/05/1987
JO L 094 DU 07/04/1987
TEXTE INTEGRAL PREVU POUR LES ACTES ENCORE EN VIGEUEUR AU 1-7-1979 ET ACTES ULTERIEURS (EN COURS DE CHARGEMENT)
–
–
ACTES PREPARATOIRES (SECTUR 5) (SANS TEXTE INTEGRAL)
– PROPOSITIONS DE LA COMMISSION :
• PROPOSITIONS PENDANTES AU 1-1-1984 ET ULTERIEURES
• DERNIERE MISE A JOUR :
• DOCUMENTS TRANSMIS AU CONSEIL LE 28/04/1987
– RESOLUTIONS DU PARLEMENT EUROPEEN DEPUIS 1974
• DERNIERE MISE A JOUR :
• SEANCE DU 08-12/09/1986
– AVIS DU COMITE ECONOMIQUE ET SOCIAL DEPUIS 1973
• DERNIERE MISE A JOUR : SESSION NO 224 DU 25-26/02/1987
– AVIS DE LA JOUR DES COMPTES DEPUIS 1977
• DERNIERE MISE A JOUR : JO C 094 DU 07/04/1987
–
JURISPRUDENCE DE LA COUR DE JUSTICE (SECTEUR 6) : DOCUMENTS PUBLIES AU 'RECUEIL'
DECISIONS DE LA COUR (AVEC TEXTE INTEGRAL) : DEPUIS 1954
CONCLUSIONS DES AVOCATS GENERAUX : DEPUIS 1965
DERNIERE MISE A JOUR :
– ANALYSES DES ARRETS DU MOIS DE 86.12
– TEXTE INTEGRAL : FASCICULE 85/11
QUESTIONS PARLEMENTAIRES (SECTEUR 9) (SANS TEXTE INTEGRAL)
QUESTIONS ECRITES : DE 1963 AU JO C 100 DU 13/04/1987
QUESTIONS ORALES : DE 1973 A LA SEANCE DU 20-24/10/1986
HEURE DES QUESTIONS : DE 1975 A LA SEANCE DU 20-24/10.1986

INFO : BESTREKEN DOCUMENTATIEGEBIED EN JONGSTE BIJWERKING
VERDRAGEN (SECTOR 1) : DE INTEGRALE TEKST WORDT MOMENTEEL INGEVOERD
–
AKKOORDEN (SECTOR 2) : OP 1.7.1979 NOG GELDIGE EN LATERE DOCUMENTEN
DE INTEGRALE TESKT IS BESCHIKBAAR ALS BIJLAGE BIJ DE DOCUMENTEN BETREFFENDE DE SLUITING VAN HET AKKOORD (SECTOR 3) JONGSTE BIJWERKING :
PB L 113 VAN 30/04/1987
–
WETGEVING (SECTOREN 3 EN 4) IN HET PUBLIKATIEBLAD VERSCHENEN, OP 1.7.1979 NOG GELDIGE EN LATERE DOCUMENTEN
(BEHALVE BESLUITEN VAN DAGELIJKS BEHEER) JONGSTE BIKWERKING :
PB L 118 VAN 06/05/1987
PB C 094 VAN 07/04/1987
DE INTEGRALE TEKST WORDT MOMENTEEL INGEVOERD
–
VOORBEREIDENDE BESLUITEN (SECTOR 5) (ZONDER INTEGRALE TEKST)
– VOORSTELLEN VAN DE COMMISSIE : OP 1.1.1984 HANGENDE EN
• LATERE VOORSTELLEN
• JONGSTE BIJWERKING :
• DOCUMENTEN AAN DE RAAD GEZONDEN OP 28/04/1987
– RESOLUTIES VAN HET EUROPESE PARLEMENT VANAF DE EERSTE
• RECHSTREEKSE VERKIEZINGEN (JUNI 1979)
• JONGSTE BIJWERKING : VERGADERING VAN 08-12/09/1986
– ADVIEZEN VAN HET ECONOMISCH EN SOCIAAL COMITEE VANAF 1973
• JONGSTE BIWERKING : ZITTING NR. 244 VAN 25-26/02/1987
– ADVIEZEN VAN DE REKENKAMER VANAF 1977
• JONGSTE BIWERKING : PB 094 VAN 07/04/1987
–
JURISPRUDENTIE VAN HET HOF VAN JUSTITIE (SECTOR 6)
IN DE 'JURISDPRUDENTIE' GEPUBLICEERDE DOCUMENTEN
UITSPRAKEN VAN HET HOF (MET INTEGRALE TEKST) VANAF 1964
CONCLUSIES VAN ADVOCATEN-GENERAAL VANAF 1965
JONGSTE BIJWERKING :
– ANALYTISCHE GEGEVENS: UITSPRAKEN VAN 86.12
– TEKST : JURISPRUDENTIE, DEEL 85/11
PARLEMENTAIRE VRAGEN (SECTOR 9) (ZONDER INTEGRALE TEKST)
VANAF DE EERSTE RECHTSTREEKSE VERKIEZINGEN (JUNI 1979)
JONGSTE BIWERKING :
– SCHRIFTELIJKE VRAGEN : PB C 100 VAN 13/04/1987
– MONDELINGE VRAGEN : VERGADERING VAN 20-24/10/1986
– VRAGENUURTJE : VERGADERING VAN 20-24/10/1986

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MAJOR DEVELOPMENTS IN COMPUTER-ASSISTED LEGAL RESEARCH IN CANADA 1986-87

Martin Felsky, *Director, Computers and the Law, Canadian Law Information Council, Ottawa, Canada*

1. History and Background in CALR in Canada

Canada was one of the pioneers in the development of online legalreferences, with the Quebec-based Datum project going back to the early 1970s, and QL Systems being incoporated in 1973. The software developed at QL Systems has been licensed (and is now running, in modified from) by Westlaw and Info Globe. The Canadian Law Information Council, a non-profit organization created in 1973 to improve access to information, was instrumental in establishing many of the legal databases which are now administered by commerical interests. The Council set up a number of service centers across the country and currently publishes a best-selling *Guide to computer-Assisted Legal Research*, in English and French, Which is updated annually.

2. Full-Text Case Law Databases Arrive

From the beginning, case law databases available on QL have been limited to headnotes only. but in 1986, Canada Law Book made the

Canadian Patent Reporter availble through QL System, making it the first full-text case law database in Canada. Next, and more significant for the legal community, the Law Society of Upper Canada agreed to make available the full text of the *Ontarioeports*, the official reports of upper courts in Ontario, Canada's largest and most judicially active province. The database was subsequently launched and presently extends back to 1931.

3. Supreme Court of Canada Goes Online

The major new development occurred as of January, 1986, when the Supreme Court of Canada and QL Systems announced the first electronic delivery system for case law in canada, together with a full-text database system for *Supreme court Cases*. Subscribers are notified on QL's electronic mail system that the full text of a judgment is waiting for them. At a cost of only $10 per connect hour, users may download the full text of Supreme Court judgments, which are available 24-48 hours after release by the Court. Documents are later loaded on a database for full-text searching at the regular cost of $75 per hour. The full-text database goes back to January 1985, and supplements the *Supreme Court Reports* database (headnotes only) which goes as far back as 1876.

Subsequently, QL made agreements with every common law province (Quebec retains its civil Law jurisdiction and is served by a Quebec-based publisher) to deliver its judgments directly to QL systems, which has created databases for the superior courts of each province. Very recently, software has been developed to allow for a cross-database search, and QL plans to implement this capability in the immediate future. The program will allow users to eliminate duplicate records from retrieved sets.

4. CAN/LAW moves to Canada Systems Group

As of June 1, 1987, Canada Law Book has moved its case law databases (as a group called "CAN/LAW") from QL systems to Canada Systems Group. These databases include:

Canadian Patent Reporter (from 1977), *Canadian Criminal Cases* (from 1971), *Dominion Law Reports* (from 1955), *All Canada Weekly Summaries* (from 1977) and *Weekly Criminal Bulletin* (from 1976). The databases contain headnotes only. The features available on Canada Systems Group are: automatic pluralization, extensive proximity function, KWIC display capability and automatically saved searches. Plans are underway to develop an online thesaurus. Plans also include the establishment of a full-text database on *Labour Arbitration Cases*, and *Canadian Labour Arbitration Summaries*.

Charges for access to CAN/LAW databases are as follows: $3.00 per sign-on to each database, $3.00 per search or modification; $15 communications charge per connect hour; plus $0.30 per document displayed.

5. Info Globe on CD-ROM

The *Globe and Mail* runs a number of online databases including business infromation, key government doucments, and the full text of Canada's national newspaper. The company has now made available the entire 1985 volume of newspapers on a single CD-ROM, at a price of $500. The disk runs on Phillips hardware and requires an add-on board for PCs. Info Globe plans to revise the retrieval software (which is not as powerful as the online product) in an updated version.

6. SOQUIJ Announces Online Service

Launched in 1986 was the online service of SOQUIJ, or the Société québecoise d'information juridique. SOQUIJ is a provincial Crown Corporation with responsibility for law reporting in the province. Databases created and managed by the Quebec Ministry of Justice are accessible through the SOQUIJ service, including:

Services Juicaiares: Court files, including the description of each file and an index of names of parties involved in every action;

Bureaux d'enregistrement: regsitry office files relating to Quebec real property, including the history and description of transactions for each parcel of land;

Documentation législative: Revised statutes and regulations of Quebec (in English and French);

Express – Jurisprudence: Every document published in the paper version since 1980 (by SOQUIJ). Contains summaries of more than 1,000 judgments rendered by the Supreme Court of Canada, Quebec Court of Appeal, Superior Court, Provincial Court, General Sessions of the Peace, and Youth Tribunal.

7. Current List of Publicly Accessible Canadian Legal Databases

The following is a list of law-related databases available on QL Systems as of June 1986. Databases which may be searched using the proximity connectors are indicated as such.

AJ – ALBERTA JUDGEMENTS (proximity)
Full text of judgments from Alberta Court of Appeal, Queens's Bench and selected provincial courts. Incorporates Northwest Territories Judgments (Court of Appeal, Superior Court and Territorial Court.)
Jan 1986 to present 1071 documents

APR – ATLANTIC PROVINCES REPORTS
Part of the NRS database.
Headnotes from the *New Brunswick Reports* (2d Series), *NovaScotia Reports* (2d Sereis), and the *Newfoundland and Prince Edward Island Reports*. Published by Maritime Law book Co. Ltd.
From 1 APR 1, 1969 to September 1983

AR – ALBERTA REPORTS (Proximity)
Part of the *NRS* database. Contains headnotes of judicial decisions since 35 A.R. 487.

BCJ – BRITISH COLUMBIA JUDGMENTS (Proximity)
Full text of all decisions from B.C. and Yukon Territories C.A. from January 1986 – May 20, 1987 and Supreme & County Court from approx. May 14, 1986. C.A. summaries from B.C.R.D.
2528 documents

CAC – CONSTITUTIONAL ACTS OF CANADA
Forty-two Acts from the *Royal Proclamation Act 1763* up to and including the *Canada Act, 1982*. Prepared by the Federal Department of Justice. *LCC* is the French equivalent.

CRR – CANADIAN REGULATORY REPORTER (Proximity)
Published by the Canadian Law Information Council, contains summaries of decisions of provincial and federal regulatory boards, including the Canadian Transport Commission, the National Energy Board and the Canadian Radio-Television Telecommunications Commission.
992 documents

DRS – DOMINION REPORTS SERVICE (Proximity)
Summaries of Canadian judicial decisions edited by CCH Canadian Limited.
1968 to present 65,021 decisions

DTC – DOMINION TAX CASES (Proximity)
Digest – CCH Canadian Limited
1971 to present 3,494 documents last update May 14, 1987

ECR – EXCHEQUER REPORTS (Proximity)
The headnotes of the Exchequer Reports from February 1877 to May 1971.
3,024 decisions

FCJ – FEDERAL COURT JUDGMENTS (Proximity)
Full text of decisions from Federal Court of Canada (Appeal and Trial Divisions) from October 1, 1986 to May 1, 1987. See *ACF* for French version.
394 documents

FCR – FEDERAL COURT REPORTS (Proximity)
Headnotes of the Federal Court of Canada Reports. *RCF* is the French equivalent.
1971 to 1986, Vol. 2, Part 3 inclusive 2,409 decisions.

FTR – FEDERAL TRIAL REPORTS
Part of the *NRS* database. 1 F.T.R.

MANR – MANITOBA REPORTS
Part of the *NRS* database. Contains headnotes of judicial decisions since 1 Man. R. (2d) 268.
1982 to present

MLB – MARITIME LAW BOOK (Proximity)
List of key numbers and topics used in *NRS* database. Browse document £1 for information. Updated August 1986.
140 documents

NBJ – NEW BRUNSWICK JUDGMENTS (PROXIMITY)
Full text of all New Brunswick Court of Appeal decisions from January 1986 to May 14, 1987. New Brunswick Queen's Bench decisions being added. Translations are available. Bilingual.
485 documents

NBR – NEW BRUNSWICK REPORTS (Proximity)
Part of the *NRS* database. Contains headnotes of judicial decisions since 1 NBR (2d) 1.
1969 to present

NFL – NEWFOUNDLAND AND PRINCE EDWARD ISLAND REPORT (Proximity)
Part of the *NRS database*. Contains headnotes of judicial decisions since 1 NFLD and PEIR 1.

NJ – NEW FOUNDLANT JUDGMENTS (Proximity)
Full text of all judgements of Newfoundland Supreme Court, Court of Appeal, Trial Division and Unified Family Court.
January 26 to April 30, 1987 475 documents

NR – NATIONAL REPORTER (Proximity)
Part of the *NRS* database. Contains headnotes of judicial decisions since 1 N.R.

NRS – NATIONAL REPORTER SYSTEM (Proximity)
Headnotes of judicial decisions published by Maritime Law Book Limited.
27,691 decisions

NSJ – NOVA SCOTIA JUDGMENTS (Proximity)
Full text of all Court of Appeal and Supreme Court decisions. Incorporates selected County and Family Court decisions and summaries from Nova Scotia Law News.
January 1986 – May 20, 1987. 645 documents

NSR – NOVA SCOTIA REPORTS (Proximity)
Part of the *NRS* database. Contains headnotes of judicial decsions since 1 NSR (2d) 1.
1970 to present

OAC – ONTARIO APPEAL CASES (Proximity)
Part of the *NRS* database. Contains headnotes of judicial decisions since 1. O.A.C. 1.
October 1983 to present

ORP – ONTARIO REPORTS PLUS (Proximity)
Headnotes and full text – Law Society of Upper Canada. Incorporates Ontario Civil Proceduer cases since 1985 and unreported Supreme Court cases from January 23/86 – May 29/87
1931 to present 14,376 documents

PEIJ – PRINCE EDWARD ISLAND JUDGMENTS (Proximity)
Full text of all P.E.I. Supreme Court decisions.
December 1, 1985 – May 12, 1987 202 documents

RISE – RULING INFORMATION SYSTEM – EXCISE
A comprehensive database of Excise and Sales Tax Rulings from Revenue Canada. *SRDA* is the French equivalent. Browse document £1 for details and new rulings.
Updated 87/05/28 6,964 rulings

RO – REGULATIONS OF ONTARIO (Proximity)
These Regulations are current as of March 31, 1984. Titles beginning with "A" current to April 4, 1987, all others current to December 31, 1983. Updating proceedings alphabetically by title.

RSC – REVISED STATUTES OF CANADA
Office Consolidation of Acts in force prepared by the Department of Justice. *SRC* is the French equivalent. Browse document £1 for contents.

SA – STATUTES OF ALBERTA (Proximately)
The text of the Revised Statutes of Alberta. Prepared by the Legislative Counsel Office.
November 18, 1986 17,932 documents

SASK – SASKATCHEWAN REPORTS (Proximity)
Part of the *NRS* database. Contains headnotes of judicial decisions since 1 Sask. R.

SBC – STATUTES OF BRITISH COLUMBIA (Proximity)
Updated to December 1, 1985. Text of amendments enacted before December 1 but not in force as of September 6, 1985 is not consolidated but is contained in amendments not in force, chapter 0.

SCC – SUPREME COURT OF CANADA (Proximaty)
Headnotes and full text – Supreme Court of Canada. *CSC* is the French equivalent
January 1985 to present 193 documents

SCR – SUPREME COURT REPORTS (Proximity)
Headnotes of the Supreme Court of Canada Reports. *RCS* is the French equivalent.
1876 – 1985 vol 2 Part 3. See *SCC* for full text, 1985 to date. 11,883 decisions

SJ – SASKATCHEWAN JUDGMENTS (Proximity)
Full text of all decisions of Saskatchewan Court of Appeal from January 1986 to May 24, 1987 and Court of Queen's Bench received January 1986 to May 10, 1987. Incoporates Court of Appeal summaries from this week's law.
1,144 documents

SM – STATUTES OF MANITOBA
Prepared by the Maitoba Legislative Council. An office consolidation including all statutes to the end of the 1981 session with proclamations to the end of July 31, 1981.

SO – STATUTES OF ONTARIO (Proximity)
This database contains the whole of the *Revised Statutes of Ontario, 1980* and all Amendments as of December 1986.

SOR – STATUTORY ORDERS AND REGULATIONS (Proximity)
A selected database of regulations in force at June 1985. Prepared by the Department of Justice. *DOR* is the French equivalent. Browse document £1 for contents. Unofficial consolidation of Federal regulations current to February 18, 1987.

SS – STATUTES OF SASKATCHEWAN
An office consolidation prepared by the Saskatchewan Legislative Counsel Office, complete to April 30, 1982.

TAR – TAX ADVANCE RULINGS
Income tax rulings publised by the Ministry of National Revenue. TR-1 to TR-101.
101 rulings

TBR- TARIFF BOARD REPORTS
Full text and headnotes from Vol 1 (1937) to Vol. 10, Part 1 (1985) (will be brought up-to-date).

TIB – TAX INTERPRETATION BULLETINS
Published by Revenue Canada.
September 1971 to present 445 documents

TIC – TAX INFORMATION CIRCULARS (Proximity)
September 1970 to present 70 documents

TMOB – TRADE MARK OPPOSITION BOARD JUDGMENTS (Proximity) Full text of all decisions from January 1986 to April 30, 1987. Browse document £1 for details. See *COMC* for French version.
464 documents

WWR – WESTERN WEEKLY REPORTS (Proximity)
Headnotes form 1968 to 1986 Vol. 3. Part 5. Published by Carswell Co. Ltd.
8,911 decisions

Training Databases Available on QL Systems
The following are small samples of existing databases which may be accessed in order to gain familiarity with the content and format of the databases and to perfect search strategies.
XCEN – approximately 1,563 documents XCPN – approximately 1,000 documents XDRS – 700 DRS cases (Proximity) XENV – 889 documents XHOQ – approximately 1,000 documents XHQO – approximately 1,000 documents XMNT – approximately 1,000 documents XORP – 740 full text documents (Proximity) XSCR – 500 documents (Proximity)

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Computerized Legal Data Bases
and their contents
- Israel -

by :
Dr. E.I. Cuomo
The Law Library
The Hebrew University of Jerusalem

Meeting 93

1. The computer revolution in Israel began almost ten years ago, when computers for public use appeared for the first time in banks, challenging a very hesitant and embarassed public. After banks, other public and private institutions, especially financial institutions like insurance companies, the Stock Exchange and others, started producing databases for internal and external purposes.

Today, almost all this kind of institutions are fully computerized, and many of them allow access to their databases to the wide public. Some of them also agreed to connect their databases, with the aim of achieving a related system for retrieval of information (for example the tax agencies).

The tremendous increment in computer use was limited for some time to the Israeli financial world where *time* is really *money*, and where the continuous implementation of services, and of a system of quick answers to the public, is indispensable to the economic survival of the institution involved.

But, with the implementation of small and personal computers, over the last five years smaller and less financially powerful institutions, started using the computer for the production of their own databases. This is the case with many administrative agencies, private professional offices, and the Universities. Today, there are very few institutions or working places in Israel, which do not own at least a P.C. or a terminal connected to a central computer. And there are also many persons who keep a P.C. in their homes.

Along with this, there are in Israel more and more *computer minded* persons, who increase the demand for computerized databases. That is not surprising, if we take into account that Israel itself produces and exports microcomputers to many industrialized countries today, Japan included !

Despite the wide diffusion of computerization, there are many economical and marketing difficulties inherent in the implementation of legal databases in Israel.

First at all, the potential Israeli legal market is relatively small.

There are in Israel only a few thousand lawyers, most of them working alone, or in association with a small group of lawyers. Israel lacks the *big* law firms, (like, for example, in the U.S.A.), which can substain the high expenses of an *on line* service. Moreover, the Ministry of Justice, and the Courts Administration have tremendous budgetary problems, and there are only three law Faculties in the entire country. Until recently, these facts discouraged commercial firms to undertake the investment of work and capital in the development of legal databases.

Secondly, there is another serious obstacle to the marketing of legal databases. Hebrew is the predominant language of the legal profession in Israel, which makes exporting of a legal database quite impossible. Moreover, Hebrew presents some technical-linguistic difficulties in the retrieval of information. Modern Hebrew lacks written vowels. Furthemore, it is highly based on a *root* system, which develops semantically different patterns of words, on the basis of identical stems. Both these peculiarities make retrieval extremely complexed. Nevertheless, things have started moving also in the field of legal databases over the last few years.

A few computer firms succeeded in convincing the State's administrative agencies and institutions (like the Supreme Court, the Ministry of Justice, the Kenesseth) to build up computerized databases, on an *on line*, or on a P.C.'s floppy disks, system.

Computer centers of some of the Universities started producing databases too, some of them for the law libraries. However, the development here is much slower, because of the economic difficulties of the academic institutions in Israel, and because the production, for obvious reasons, is highly not commercial, and not a top priority.

It is my intention to analyze, in brief, the development of each legal database to date, and the forecasted implementation in the future.

2. a) The Bar-Ilan University program on *Rabbinical Responsa*.

This is the oldest computerized legal database in Israel, which includes thousands of rabbinical juridical decisions, since the closure of the Talmud (6th Century A.D.).

The program, started in the late 70's by Prof. Choueka of the Bar-Ilan University Computer Center, allows access to the full text of the decisions, through a system of key-words. A colour terminal distinguishes between the decisions of the different geographical parts of the Jewish Diaspora.

The program, which is of great importance for Jewish studies and Jewish law studies, has become extremely interesting after the enacting of the Foundation of Law act in 1980, which introduced the Jewish heritage as a secondary element in the interpretation of the Law by Courts.

In addition to the many linguistic difficulties described above, the program had to cope with problems of medieval Hebrew.

Nevertheless, the program is today complete, and many libraries are connected *on line* with it. Among them are some of the Law libraries.

b) The *Kenesseth database*.

In 1980-81 the Kenesseth began computerizing the sessions of the House. Actually, the primary intention was limited to the storage and the preservation of the information. But during the first year, the decision was made to produce a real database, and to allow members of the Israeli Parliament to retrieve any information inherent in the debates.

The program was built by a private firm, who has the exclusive right for all the State's institutions. A central medium VAX computer is used as host computer, and the input of information takes place through a non-expensive system of downloading from the P.C.s of the Kenesseth's typists.

Today, members of the Kenesseth are able to retrieve information, via indexed fields, such as speaker, kind of parliamentary activity

(debates, questions, etc.) or date of the debate. Devices were used to solve linguistic-semantic problems, and a very sophisticated system of boolean research allows the search through words appearing in the text at a defined distance between them, connected by an *and* or an *and not*, which efficiently delimits the output of the retrieval. A special *thesaurus* was prepared, which solves linguistic and semantic problems, and the problem of translation of loan words.

Since 1981, more information was put into the database, and today it includes :

- Private bills (since 1981).
- Basic Laws in full text (the Israeli future Constitution).
- A registration of all the laws enacted by the Kenesseth since 1948, and the stage of the enacting process of bills.
- Some parliamentary and State Commissions Reports.
- Daily *Excerpta* from newspaper columns.

For the time being, the database serves the members of the Parliament only, but initiatives are being taken to allow access to other public institutions (like Law Faculties) to it.

c) The Supreme Court database.

The Courts Administration in Israel, through a private firm, started computerizing all the decisions of the Supreme Court, over the last two and a half years. The intention is to develope a database which will include all the decisions of all the Courts in Israel. Since the non-publication of judicial decisions is a major problem in Israel [1], the implementation of that plan will be most welcomed in the Israeli legal world. Unfortunately, as said before, the Courts Administration has many budgetary difficulties, and the developments are very slow.

For the time being there is no access to the database by the public. Nevertheless, the possibility of connection *on line* for public legal institutions is being considered.

d) MADI : Legal database of Israel.

Over the last year, some computer experts and system analysts joined together, on a commercial basis, with the aim of producing an

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(1) see : Cuomo E.I., Non-Publication of Judicial Decisions, in Israeli Reports to the XII International Congress of Comparative Law, Jerusalem, The Harry Sacher Institute for Legislative Research and Comparative Law, 1986

integrated legal database of all the legal sources in Israel : laws, regulations and judicial decisions.

The database will include laws and regulations from the Ministry of Justice database, and judicial decisions from the Supreme Court database. Some repealed versions of laws, which can be of special interest to the public, will also be included. Judicial decisions will be included full text, with subject indexes. Both documents will be fully connected. Laws, regulations and some bill of special interest, will be computerized full text on a parallel database. Both databases will be in a further stage technically connected in an integrated system. A wide *thesaurus* of terms is being prepared.

The database will be based on four VAX-computer centers in Tel Aviv, Jerusalem, Haifa and Beer Sheba, and the connection of the users will take place through a P.C. and a regular modem. The connection will be on a commercial basis, with an annual payment, which will cover different connection times, during different hours of the day.

For the time being, the whole plan is, for obvious reasons, still

nebulous. It seems that a general and integrated system like MADI can be the proper solution to all the budgetary and others problems, of the individual and fragmentary databases of the public institutions. Only the future will tell. And as for the promises made, the *future* may be even at the end of the current year.

e) The legislative computerized index.

An index to the Israeli legislation on floppy-disks was produced by a private firm. The index allows the user to find references to the relevant judicial decisions related to a law (or more), or to a special section of a law (or more), and is actually a tool for subject search of judicial decisions. The disks are updated every three months.

Despite the fact that the database is not *on line*, and is not as sophisticated as the databases described above, it is friendly and cheap, and many institutions and law libraries has purchased it.

f) The Hebrew University of Jerusalem Bibliographic Database (ALEPH).

Needless to say, this is not a legal database, but since it connects

the academic libraries, including two of the three law libraries existing in Israel, it's worthy of being introduced in that context.

The program began about seven years ago, by a team of librarians, analysts and programmers at the Hebrew University of Jerusalem, and includes, today, the catalogue of most of the academic libraries in the Country, as well as some public and special libraries. Since each library wants to keep his own classification and subject heading system, each of them has a separate database. Therefore, at the moment, there is no possibility for an integrated bibliographical search and, in essence, cannot be a National Union Catalogue. However, efforts are now being made to develop a union *index* which will provide minimal bibliographic information, but will list the libraries holding each item.

Moreover, for economical reasons, most of the libraries included in the database have not yet done a *recon* of their holdings, but started computerizing their acquisitions from a certain date only, This fact jeopardizes any attempt to build a National Union Catalogue.

The database enables a search by author, title, subject and words related to them, and has an efficient boolean function which allows the use of *and, or* and *and not*. Aleph can also operate in many languages, including, obviously, those whose alphabets are written from right to left (like Hebrew and Arabic).

Aleph also automates inventory, circulation and acquisition procedures, and to date enables also budget control. This last function is still not in use in the libraries, but it is technically completed. Aleph is represented at IFLA Congress, and anybody interested can have a demonstration.

g) Connections with International Legal Databases.

Two of the three academic law libraries in Israel : Jerusalem and Bar-Ilan, are connected with *Lexis*, and Tel Aviv is considering now the possibility of connection.

3. Conclusions.

After the analysis of the existing legal database, it is natural, in a meeting of librarians, to ask what is the task of a librarian, in general, and of a law librarian in particular, in the computer era. Will he survive after the *revolution*, or will he eventually be replaced by the programmer or by the system analyst?

Acquisitions is already, in many libraries, highly a technical function. Cataloguing is already a technical function. Subject headings and classification systems are less and less important because the existence of key words in texts. One day, texts will also be computerized and included in large international databases, and users will learn to type some codes and get all the information they need, at home.

What will be *then* the peculiar function of the librarian? The picture is just a bit too futuristic, but some elements of that revolution are already there. I think that we have to start that discussion in time, before the revolution is over. The computer has already proved, at least, that the conception of development time

has been drastically shortened. I do not have particular solutions to the problem. I just want to make the point on the problem itself, and to try to analyze the possible trend toward the challenge of the problem.

I would see the issue as divided into two different aspects : the law librarian and the existing databases, and the law librarian versus developing of the computer in the next years.

The first aspect involves patterns of behaviour which already exist, or, at least, should be already in the librarian's consciousness today. From the precedent analysis, it is clear that institutions had a hard time in developing their own databases, and that only a private firm, which has commercial and marketing incentives, is able to undertake the production of serious and effective databases. Nevertheless, there is another problem which the institutional producer of databases has, that is the *diffusion* of the databases to the wide public, who, because the high price, cannot afford access to them. Even if, with a strong if, lawyers can all potentially be connected from their office, that is not the case of teachers, researchers and students of law. I

think that law libraries should be more and more looking for connections with existing and developing legal databases, and to become more and more *legal information centers*.

The administrative and professional implications of this conclusion will have an extraordinary impact on law librarians and law libraries. The law librarian, as a *trait d'union* between database and user, must change his traditional skills, and has to develop special attitudes to computer use and user's instruction, and proper knolwedge in the use of legal subject headings and of key words in legal contexts, for cataloguing and instruction purposes. It maybe, in a near future, a law librarian will need a minimal legal education, and even a first law degree.

Library administration, on the second hand, must change task definitions and distribution, and attitudes toward personnel recruiting. There are many libraries which are aware of the challenge; it is my general impression that many still are not.

The second aspect, librarian versus computer developing, is much more complicated. Nobody knows exactly which directions the development of the computer at the service of law will take. For the time being, we can already forecast a big implementation of competitive databases all over the world, and the necessity, for economical reasons, to choose the best among them, and the most fitting to users. Different vendors of programs allow different retrieval possibilities, which do not fit, in the same way, the library. The librarian, who is aware of the basic demand for search and retrieval, must also be the chooser of the most convenient database. Moreover, for the same reasons, he must be also involved in the *building* of new databases, especially concerning fields, keywords and retrieval possibilities.

In the long run, the administrative and professional implications will also be more drastic. The law librarian will be obliged to change his traditional task of preservation and diffusion of information, to the task of *information specialist*. To face these challenges, his skills will include not only confidence with the computer, and a law degree, but also a computer science degree.

This is almost a prophecy, and we have in Hebrew a proverb, which says that after the Prophets disappeared from the world, prophecy was given by God only to stupids. It would be enough if, for the present, libraries will be aware of the first aspect analyzed. Nevertheless, as said before, a revolution is going on, and we cannot allow ourselves *to miss the train*.

All this does not mean that books will no longer line the shelves, and that the traditional humanistic linkage between book and librarian will disappear. However, even if we all are aware of the cultural implication of the introduction of the computer, we have to face the developments, and to take realistic decisions.

Jerusalem, August 1987

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IFLA/IALL session, August 18, 1987

Computerised Legal Databases and Their Content

Session 6: United Kingdom and Ireland

In gathering together the material for this session it struck me how dependent we are in the UK and Ireland on major investment in public legal databases. The major investment in recent years has been by Butterworth Telepublishing in the UK portion of the LEXIS database, where the host is US funded.

Although Butterworths have invested many millions in the database, I think they would agree that it is unlikely that they would be able to have made the investment necessary for such a large full-text database, without the support of a US host.

Of the legal databases currently available in the UK, LEXIS is the most well-known and is probably the most used. The United Kingdom Law Library contains the full texts of cases and practice directions published since 1945 of most of the major series of law reports, together with transcripts of unreported cases since 1980, summaries of reported and unreported cases on personal injury since 1980, public general acts in force in England and Wales in their amended form with commencement dates including statutes enacted but not yet in force; statutory

rules, regulations and orders in force in England and Wales and published in the Statutory Instruments series; double taxation agreements and miscellaneous materials relating to taxation.

All UK material except Scots law is found in the ENGGEN Library, which is divided into 9 separate files:

CASES
INJURY
STAT
STATIS
DTAX
TAXMAT
BILL
LEARN

There are also special topic libraries which contain materials only on the subject matter indicated by the title. The cases and statutes contained in them can also be found in the ENGGEN library. The special topic libraries are:

UKTAX - United Kingdom Tax Library Files
ENGIND - English Industrial Library Files
UKIP - United Kingdom Intellectual Property Library Files
ENGLG - English Local Government Library Files
ADMRTY - Admiralty Library Files

There are also medium sized libraries containing SCOTSLAW and IRISHLAW. The earliest start dates for both these files is 1950 and both contain case law reports. SCOTSLAW has cases from the following series:

Session Cases

Scottish Criminal Case Reports

Scottish Civil Law Reports

Scots Law Times

and unreported Inner House Cases beginning 1985.

ITELIS cases are from the following series:

Irish Reports

Irish Law Reports Monthly

Irish Law Times Reports

In the autumn, the UK database will be extended to include the texts of the weekly legal periodicals, the Law Society's Gazette and New Law Journal.

Of course UK subscribers also have access to the material on LEXIS which is provided to Mead by other organisations, such as the French, Commonwealth and US libraries. It should be noted that access by a UK subscriber to these files is not necessarily to all the files available in the country from which the data originated. This is particularly true of American

materials. However, UK subscribers do have access to the bibliographical tools such as Legal Resources Index, and Index to Legal Periodicals. Many commercial users of the LEXIS service do not have access to DIALOG or other on-line services, so the access via LEXIS is particularly welcome.

It should be noted that LEXIS is only sold to lawyers and accountants.

Up until 1985 there was a competing service, EUROLEX, but this suffered financial problems and was sold to Butterworth Telepublishing.

Many of those who worked on EUROLEX have got together, having found new financial backing, to form a new company, CONTEXT, which is now marketing a new database, JUSTIS. This can either be accessed direct or through British Telecom's Network for Law, an electronic communication network based on Telecom Gold and designed specifically for solicitors.

It is intended that the JUSTIS database should be comprised of mainly recent material with one or two key exceptions. The material is varied and includes secondary as well as primary source materials.

As at the beginning of August the following materials had been loaded:

Law reports:
- Weekly Law Reports
- Financial Times (Commercial Law Reports)
- Fleet Street Reports
- Common Market Law Reports

The largest of these files goes back to 1985, but some only start with January 1987.

Legal periodicals and indexes:

- Law Reports Index (81-86)
- Criminal Appeal Office Index
- Legal Alert
- Eurolaw Intelligence
- Financial Times Business law articles

Textbooks:
- Encyclopaedia of Town and Country Planning
- Tax on Property
- Business Tax Handbook

The one exception to the relatively small time span of these files is CELEX, the European Communities case law and legislation database, which covers the period 1951 to date.

CELEX has always had a reputation as a difficult database to use and it is noted that those who have seen the JUSTIS version of this database believe it to be much easier to use.

Network for Law also hosts other databases with a legal content which include the Law Society's noticeboard and the Courts Listings project, the latter is also available on PRESTEL.

The TEXTLINE database also contains material of interest to lawyers, notably the full texts of journals which contain valued case reports e.g. Estates Gazette.

British Telecom's PRESTEL service hosts legal advice and information databases. PRESTEL is a publicly available videotext service. Legal advice is provided by government information services and provides details of citizens entitlements in certain areas i.e. Legal Aid, Immigration. Since the relaxation of the solicitors advertising rules it is also possible to find details of solicitor's practice for those firms who chose to use this medium.

There is now just one legal information service for lawyers left on PRESTEL - LAWTEL.

LAWTEL is an electronic indexing and abstracting service for lawyers. It hosts the Network Court Link already mentioned;

accounting and tax information, particularly tax rates; a Citizen's Advice Bureau Database, Daily Updating Service, details of forthcoming and existing legislation, indexes to cases etc. It also has a research bureau with links to LEXIS for those lawyers with an occasional need to access the service.

The most interesting development in legal databases in the UK and Ireland is mainly taking place in the large commercial law firms in the City of London. These law firms are constructing large private databanks of legal information, much of which is private and unpublished. The databanks will maintain details of client information, counsel's opinions, registers of experts and overseas lawyers used by the practices, precedent material and collections of specialised documents e.g. relating to takeovers and mergers. All this vast mass of material is of great commercial value to such firms who are willing to invest substantial sums in order to access it efficiently.

After seven years the market is just reaching the stage where databases are becoming regarded by lawyers as an essential and valued part of the research process.

Diane Raper
August 1987

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